

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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HECTOR BATISTA,

Plaintiff,

- against -

COUNTY OF ORANGE; WARDEN OF THE  
ORANGE COUNTY JAIL; and CLARISE  
WILLIAMS

Defendants.

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NELSON S. ROMÁN, United States District Judge:

On March 28, 2022, the Court issued an Opinion and Order granting Defendants' motion to dismiss while also granting Plaintiff leave to amend and replead any claims that were dismissed without prejudice. (ECF No. 33.) The Court allowed Plaintiff until May 27, 2022 to file a Second Amended Complaint consistent with the Opinion and Order. The Court expressly warned that failure to timely file a Second Amended Complaint or otherwise "show good cause to excuse such a failure" would result in "the claims dismissed without prejudice" being "deemed dismissed with prejudice."

As of November 29, 2022, Plaintiff is yet to file a Second Amended Complaint or otherwise "show good cause to excuse such a failure."

As a result of Plaintiff's failure to timely file a Second Amended Complaint, those claims previously dismissed without prejudice are now deemed dismissed with prejudice. Accordingly, the Clerk of Court is respectfully directed to terminate the action. The Clerk of Court is further

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**ORDER**

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directed to mail a copy of this Order to *pro se* Plaintiff at Hector Batista, Reg. #66374-054, FCI, P.O. Box 1000, Cresson, PA 16330, and to show service on the docket.

SO ORDERED:

Dated: November 29, 2022  
White Plains, New York

A handwritten signature in blue ink, appearing to read 'Nelson S. Román', is written over a horizontal line.

NELSON S. ROMÁN  
United States District Judge